

# MICHIGAN CIVIL RIGHTS COMMISSION

N E W S L E T T E R

## Civil Rights Commission Issues Report on Petition Fraud Hearings



*The Commission hearings on petition fraud were very well attended by residents alleging petition fraud; the Detroit and Grand Rapids hearings were filled to capacity.*

Following five months of hearings and collecting testimony, the Michigan Civil Rights Commission (MCRC) released a report on Monday, June 12, that concluded that the process of collecting signatures for the Michigan Civil Rights Initiative (MCRI) ballot proposal was ripe with widespread and systematic acts of misrepresentation. The proposal is designed to eliminate affirmative action style programs based on race, gender, color, ethnicity or national origin in public employment, education or contracting purposes.

MCRC Chair Mark Bernstein and Michigan Department of Civil Rights (MDCR) Director Linda V. Parker spent the day discussing the Commission's report at press conferences in Detroit, Lansing and Grand Rapids. The conferences included a call to the State Supreme Court to provide relief to the victims of petition fraud, in part by providing a ruling to clarify the correct authority to investigate petition fraud.

Although the Court on July 13th ultimately denied victims of petition fraud any recourse, the Commission was confident that it fulfilled its function by making a formal public record of the allegations and sending them to the appropriate bodies. The Commission was most disappointed in that the Supreme Court ruling offered no guidance as to how to stop or prevent the use of fraud and misrepresentation in the petition gathering process.

"While the final outcome of the Supreme Court decision was unfortunate," said Commissioner Kelvin W. Scott, "We take solace in the fact that we did our part to preserve the public's trust in the petition process."

Notwithstanding the unfavorable ruling, Supreme Court Justice Marilyn Kelly wrote a strong dissent that embraced the work of the Commission. A full copy of the order is available by visiting <http://courtofappeals.mijud.net/resources/>

[public\\_dni.htm](#) and searching for Supreme Court docket # 130342.

The Commission's report also asked Michigan Attorney General Mike Cox to launch a criminal investigation into the allegations and the state Legislature to draft strong laws barring similar fraud in the future. A full copy of the Commission's report is available at <http://www.michigan.gov/mdcr>.

### Hearings and Allegations

Conducted at the request of Governor Jennifer Granholm, the MCRC report includes more than 500 affidavits and hundreds of pages of testimony from people who testified under oath at hearings in Detroit, Flint, Lansing and Grand Rapids.

"We considered these citizens and their testimony credible, and, therefore, the

*(continued on page 2)*

### IN THIS ISSUE

Civil Rights Summit .....	3
APA Recommendations .....	4
Director's Corner .....	5
Comm. & Dept. News .....	6
Important Settlements .....	7
HateWatch .....	7



## Petition Fraud Hearings

conduct of MCRI, reprehensible,” Bernstein said.

Bernstein also pointed out at the press conferences that the hearings were clearly about the conduct of petition gatherers, not about the content of the ballot initiative.

The fraud allegations arose after hundreds of citizens complained that MCRI canvassers claimed that their petition was in support of Affirmative Action, when its actual intent is to ban the use of race and gender as a consideration in university admissions, government hiring and public contracts in the state.

Included in the allegations were widespread beliefs that predominantly African-American communities were specifically targeted for fraud.

“The allegations that one particular race was singled out for gross violations of their civil rights gave the MCRC both constitutional obligation and authority to act,” said Parker.

The Commission report includes several disturbing examples of fraud alleged by people attending or providing testimony during the hearings, including:

Ruthie Stevenson, president of the

Macomb County branch of the National Association for the Advancement of Colored People (NAACP), said at the Detroit hearing that she was approached in 2004 by an MCRI circulator outside the Mt. Clemens post office. The young man claimed the petition was for “civil rights” and that it had been endorsed by the president of the Macomb County NAACP. “Once I told him who I was and that I wasn’t in support of this divisive measure, he just took off,” Stevenson said.

“[MCRI organizers] told me the petition was for Affirmative Action, but really it was not,” said Benton Harbor resident Sammie Williams. Upon discovering the true meaning of the petition, Williams stopped encouraging others to sign it. “I never would have had anything to do with it had I known,” he added.

Similar examples of deception were heard by Commission members in all four cities.

“Aside from the ballot issue itself, I was very troubled by the nature and extent of the allegations,” said Commissioner



*Commission Chair Bernstein responds to reporter questions during the June 12th Lansing press conference on the Commission report.*

Karen Henry Stokes. “I shudder to think that our Constitution could be changed without due regard to the integrity of the petition process.”

“I was most struck by the consistency of the message that people felt they were targeted and lied to,” said Commission Vice-Chair Mohammed Abdrabboh. “There was a definite feeling of anger, mistrust and powerlessness; the same feelings common to any instance of intentional fraud.”

Reinforcing the Commission’s recommendations, Bernstein called for all Michigan residents to beware of outside groups that attempt to influence Michigan public policy.

“Forty years ago, the great theologian and civil rights activist, Rabbi Abraham Joshua Heschel said, ‘in a free society, some are guilty, but all are responsible,’” said Bernstein.

To read the full report on the MCRI petition fraud, visit [www.michigan.gov/mdcr](http://www.michigan.gov/mdcr).



*The Commission’s report on petition fraud is around 1,000 pages, and is the cumulation of hours of testimony and hundreds of affidavits.*

# Civil Rights Summit allows leaders, policy makers to craft plan of action

Governor Jennifer Granholm joined Michigan civil rights leaders, policy makers and regional scholars at Wayne State University (WSU) on March 27, to discuss the status of civil rights in the state and to create a strategic plan of action.

The day-long event focused on increased segregation in Michigan communities, escalating incidents of hate crime throughout the metro Detroit area, and the social and economic benefits of diversity and affirmative action. Summit attendees prioritized policy recommendations to be issued to state and local government leaders, as well as faith and community leaders.

“We’ll talk about those issues that we don’t talk about enough,” said Detroit Free Press Columnist Rochelle Riley, who along with WSU Law School Dean Frank Wu, moderated the Summit. “We’ll talk about why we are so divided and how we got that way.”

Thomas Sugrue, a University of Pennsylvania professor and author of *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit*, said that in addition to federal housing loans

that lured white Detroiters north, a concentration of manufacturing jobs outside of Detroit left many African Americans hopelessly trapped in segregated communities.

“Most significant job growth has occurred in areas that are not very accessible because of a lack of mass transportation opportunities,” said Sugrue. “As capital has grown more mobile, African Americans have grown more immobile.”

Sheryll Cashin, a housing patterns expert and Georgetown University Law professor, cited a preference by people to live where their race or ethnicity is a majority and housing discrimination by “rank-and-file” landlords and realtors, as two of the major contributing factors to segregated communities.

Segregated housing patterns, said University of Minnesota Professor Myron Orfield, are not unique to large industrial cities, and efforts to combat them should encompass greater areas.

“Housing and school desegregation policies must be regional in scope or white flight will undermine them,” said Orfield. “The same patterns that have



*Governor Jennifer M. Granholm addressed and energized Summit participants, highlighting the importance of affirmative action and diversity to the economic and social stability of Michigan.*

torn Detroit apart will also tear apart the older suburbs.”

Officials from the Anti-Defamation League (ADL), American Civil Liberties Union (ACLU), Michigan Alliance Against Hate Crimes (MIAAHC), Michigan Department of Civil Rights (MDCR) and the Michigan State Police (MSP) also met during the Summit to discuss the recent rise of hate crime in southeastern Michigan.

*(continued on page 4)*



*The Summit was attended by about 300 civil rights, community, educational, corporate, philanthropic and government leaders who were concerned with civil rights in Michigan.*

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## Civil Rights Summit

Michael Lieberman of the Anti-Defamation League, shared the Federal Bureau of Investigation's report that Michigan ranked third in the nation with 556 reported hate crimes. This number reflects that both residents and law enforcement agencies in Michigan take such crimes seriously enough to report and investigate them earnestly. By contrast, Alabama reported five hate crime incidents and Mississippi reported only two.

"Perhaps the deepest source of hope for addressing hate crime in Michigan is the breadth of the partnership forged to fight such crimes," said MDCR Director Linda V. Parker. "From federal and state law enforcement agencies to local community and faith-based groups, Michigan resolutely refuses to accept the scourge of hate."

Emphasizing diversity in education and a "culture of acceptance," Granholm called on Summit attendees to defend against the loss of affirmative action, which, Granholm argued, would polarize an already divisive state and possibly cause irreversible economic damage.

"We are creating a globally-competitive state, and we're cutting out the legs from our economic strategy if we inscribe into the state constitution a ban on affirmative action," said Granholm.

MDCR Director Linda Parker said the Summit proved that Michigan residents were dedicated to working together to improve the welfare of the state.

"It has been a collaborative effort by Michiganders from across the racial, economic and regional spectrum," she said. "It was a true 'coalition of the willing' by those determined to work to make our beloved state a better place to live for everyone."

## Asian Pacific Advisory Council Issues Recommendations to Governor

Asian Pacific Americans (APA) originate from nearly 50 countries and ethnic groups with distinct cultures, traditions and histories. They speak more than 100 languages and dialects. Of the entire immigrant population in Michigan, APAs are the fastest growing ethnic group, representing nearly three percent of the state's population and growing to more than 208,000 in 2000 – a 101 percent increase from 1990.

In an effort to review issues facing this rapidly-growing segment of the state's population and to recommend policy and action plans towards improving their lives, Governor Jennifer Granholm created the Advisory Council on Asian Pacific American Affairs (ACAPAA) in May 2005.

Through research and town hall meetings, ACAPAA Chair, Dr. H. Sook Wilkinson said it became apparent that sufficient data was lacking on the civil rights, health, education and government-related programs of APAs in Michigan.

"We're under-represented in educational, governmental, judicial and political fields," Wilkinson said. "The ACAPAA would like to change that and help APAs become more fully participating members of the state."

Included in the policy recommendations presented to the Governor are the improvement of data collection, analysis and dissemination of information on APAs, as related to civil rights, immigration, health, education, housing and criminal justice.

"Data drives almost all federal and state programs and services," Wilkinson said. "Without specific and accurate information, APAs may not be included in these types of programs and services."



*Governor Jennifer M. Granholm reads through the Council's recommendations as Council Chair Dr. H. Sook Wilkinson looks on.*

Working towards Granholm's vision of a "One Michigan," in which all Michigan residents participate fully within Michigan life, the ACAPAA has recommended an increase in cultural understanding in Michigan's schools and workplaces. Like other immigrant groups, APAs speak different languages and dialects while many of them have Limited English Proficiency. By providing linguistic access and cultural awareness, Wilkinson said, APAs can participate more as providers and consumers, and "enable people to work effectively cross-culturally."

ACAPAA discovered that APAs in Michigan experience prejudice, disparate treatment and discrimination in employment opportunities, health care access and education. To begin improving this, the council has recommended working closely with the Michigan Department of Civil Rights (MDCR) to address these disparities.

Since their creation last year, Wilkinson said that the council has been building momentum within the APA community to express and voice their concerns.

"ACAPAA is ready to lead and collaborate with various leaders to bring the APA community to a position of strength, acceptance and full participation, said Wilkinson. "We're ready to do our part in the building of One Michigan."

## Director's Corner



*Linda V. Parker, J.D.*

### **'Year of the Beginning' all over again.**

The first seven months of 2006 have been both exhilarating and challenging. I believe I'm getting a small taste of what the first Director of the Department of Civil Rights, Burton I. Gordin, might have been feeling during his first years with the Department.

Gordin served from the Department's inception in 1964, until his death in 1970. Although a lot has changed since then – this newsletter for example was created by computer instead of a typewriter – perhaps the most disappointing discoveries have been those issues we find ourselves revisiting.

As in the 1960s, there are serious and troubling challenges to the civil rights of the people of Michigan today. These challenges include repeated attacks on affirmative action that call into question the Supreme Court sanctioned compelling

interest of diversity- even in a land long proclaimed as the melting pot of people.

Other challenges were mounted against the right to vote unencumbered, the right to have that vote counted and the right to participate in petition processes where people must by law, say what they mean and mean what they say.

During these times, it is helpful to reflect and realize that these challenges, no matter how burdensome they feel now, were foreseen by those first Commission and Department leaders as inherent in the nature of the work we do.

The "Year of the Beginning" 1964 Michigan Civil Rights Commission Annual Report, begins by laying out some very interesting beliefs that governed the early actions of the Commission. One of these beliefs is especially important today:

*"That experience has demonstrated that mere enforcement of Constitutional and legal prohibitions against discrimination is not, of itself, sufficient to assure adequate progress toward full and equal opportunity and participating in community life by all of our citizens. What is required is positive, affirmative actions by the leadership of business, labor, public education, social agencies—all the institutions of our communities and government."*

It is both interesting and unfortunate that this belief that guided the Commission and Department all those years ago, is as relevant today as it was then.

We stand convinced today in 2006, that positive, affirmative actions remain necessary to continue progress toward full and equal opportunity and full participation in community life by ALL of Michigan residents. We as a state are hampered with problems associated with our intense segregation; problems which include a general difficulty in working

across racial boundaries toward common interests such as economic development and a strong economy.

Enforcing constitutional and legal protections works only to hold the line of receding tolerance. Only positive, affirmative actions can result in any positive change in both gender and racial relations.

Furthermore, in that we believe that the right to vote is one of the most fundamental of all civil rights, we find that we cannot tolerate challenges to the integrity of the voting process. Democracy cannot exist where widespread fraud in the petition process is tolerated without recourse or where the right to vote is subject to stipulations which specifically harm one segment of the population.

Forty years from now, it will be the final results that the people remember. As we now remember that the Commission and Department weathered the challenges of the first few years, it is my hope that we are remembered for resisting current challenges.

We must hold fast to the continual promise of equal opportunity for all Michigan residents.

*Linda V. Parker is an attorney and director of the Michigan Department of Civil Rights.*

# Commission and Department News

## Henry Stokes and Zelley Appointed to Commission

**Karen Henry Stokes**

of Grand Rapids was appointed to replace former Commission chair Valerie Pierre Simmons. Stokes is President of the Paul B. Henry Foundation. She was previously director of physical relations for Spectrum Health's Butterworth campus. An accomplished musician, she has both taught and performed on the piano.



*Commissioner  
Karen Henry Stokes*

A native of Winnepeg, Manitoba, she holds a Bachelor's degree from Wheaton College of Illinois and a performance degree from the Royal Conservatory at the University of Manitoba. She has been a Trustee of Grand Valley State University (1997-2005), the Grand Rapids Symphony, Hospice of Greater Grand Rapids, and the Irving S. Gilmore Keyboard Festival of Kalamazoo.

She is married to James Stokes, a Grand Rapids attorney. She and her late husband, Paul B. Henry, are the parents of three adult children. Ms. Henry Stokes is appointed to represent Republicans for a term expiring December 31, 2008.

**J. Michael Zelley** was appointed to the Commission to represent Independents for a term expiring December 31, 2009. Mr. Zelley is Founder and President of The Disability Network, a nationally recognized, consumer driven, private non-profit, technology and advocacy

organization, serving 6,000 individuals with disabilities. Previously, Zelley was Founder and President of TravAbility, Inc., and Senior Vice President and Board Officer for Securedata Corporation.



*Commissioner J.  
Michael Zelley*

Mike Zelley has been a paraplegic and wheelchair user for twenty-seven years as a result of an automobile accident in 1979. Zelley is a national leader on workforce and disability issues and a frequent guest speaker and advocate for the employment of individuals with disabilities.

A resident of Grand Blanc, Zelley majored in Theology at Crozier Catholic College in Syracuse, Indiana, and has taken management courses at Cornell University and Harvard University Business School. He is married and the father of seven children. Zelley was appointed to succeed Albert Calille, whose term has expired.

- **Hector Shamley:** Congratulations to long-time MDCR colleague Hector Shamley who retired in May after 31 years of state service. Hector began at MDCR in 1978, and most recently served as the Director of the Detroit Enforcement Division.



*Hector Shamley*

- **Vyann Grant:** Congratulations go to Vyann Grant, who retired from state service in January after 25 years. Vyann came to the Department of Civil Rights in 1997, most

recently serving as Senior Executive Management Assistant.

- Congratulations to **MDCR Director Linda V Parker**, who was recently pronounced a "Woman of Distinction" by the Anti-Defamation League in Michigan. Director Parker was surrounded by family and friends as she was honored



*Linda V. Parker*

in a beautiful ceremony on May 30th at the Somerset Inn in Troy. Parker received this award in recognition of her dedication to the community and her efforts to preserve the civil and human rights of the people of Michigan.

- Congratulations to **Angela Maday**, who was selected in July to follow Hector Shamley as the Director of the Detroit Enforcement Division. Maday began her MDCR career as a rights representative in 1978, but most recently served as the EEOC / HUD Contract Coordinator for the Department. In this role, Maday will supervise the work of the four enforcement units in the Detroit office.



*Angela Maday*



# HateWatch

**T**he Department of Civil Rights Crisis Response Unit regularly responds to hate crimes and bias incidents around the state. If you would like to report a hate crime or bias incident, please use the Department's toll free, 24-hour hotline at 1-800-482-3604. Following are some incidents of hate reported to Civil Rights officials.

- In July, approximately 25 homes or other structures were spray painted with swastikas and/or various racial epithets in Novi.
- On June 20, a cross was burned on the lawn of a bi-racial couple in Sumpter Township.
- In May, a student brought a "racial hit list" to Northville High School in Port Huron.
- In March, a liquor store in Port Huron owned by a Chaldean American was subjected to spray-painted threats and a cement block thrown at the store after hours.
- In February two groups linked with the KKK sent racist literature to more than 600 schools in the state.

## Formal Charges

MDCR recently issued three Charges of discrimination. A Charge of discrimination means the Department's investigation revealed sufficient evidence that illegal discrimination occurred.

- A Chaldean born in Iraq alleged he was subjected to discriminatory harassment at work because of his national origin.
- A woman alleged she was sexually harassed and fired in retaliation for complaining about the harassment.
- A Black man alleged he was harassed and fired because of his race.

## Important Settlements

In February 2006, the Department surpassed the one million dollar mark for this fiscal year in terms of settlement awards to claimants in discrimination claims. MDCR remains neutral during the investigations and does not collect fees from either party as a result of settlement agreements. Following are some examples of settlement agreements negotiated by MDCR colleagues to resolve pending civil rights matters.

- In May the Department announced that it reached an agreement between former Chesterfield Township Chief of Police Steven D. Robbins and Chesterfield Township. Although the settlement agreement is only between Robbins and Chesterfield Township, the negotiations with MDCR led to a withdrawal which resolved the matter pending before the Michigan Civil Rights Commission.

The Michigan Department of Civil Rights investigated this complaint and filed the October 2005 Charge of Unlawful Discrimination against Chesterfield Township under the authority of the Michigan Elliott-Larsen Civil Rights Act. MDCR is unable to disclose the terms of the settlement since it was signed by the individual parties outside of the Department's processes.

- Claimant, a Black man, believed he was terminated due to his race. Rights Representative Janet Dillard resolved this complaint by returning claimant to his job for an annualized salary of \$31,200.
- Claimant, a Black man, believed he was terminated due to his race. Rights Representative Henry Gordon resolved this complaint by returning claimant to his job for an annualized salary of \$24,544.
- Claimant, a Black man, believed he was demoted due to his race. Rights Representative Anthony Lewis resolved this complaint by restoring claimant's position for a combination of \$23,046 in annualized salary and back pay.
- Claimant was in his sixties, and believed he was forced from his job due to his age. Rights Representative Jeffrey Weiss resolved this matter by returning claimant to work for an annualized salary of \$16,120.
- Claimant believed she was sexually harassed and discharged in retaliation for reporting the harassment. Rights Representative Kylie Piette resolved this matter with a cash settlement of \$12,500.

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